

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOILERMAKERS NATIONAL ANNUITY
TRUST FUND, on behalf of itself and all
others similarly situated,

Plaintiff,

WAMU MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006 AB1, et al

Defendants.

NO. 2:09-cv-00037-MJP

REVISED STIPULATION, AGREED MOTION AND [PROPOSED] ORDER MODIFYING BRIEFING SCHEDULE ON DEFENDANTS' PENDING MOTIONS TO DISMISS; AND WITHDRAWING LEAD PLAINTIFF'S MOTION TO AMEND THE CONSOLIDATED COMPLAINT

**Noted on Motion Calendar:
March 9, 2010**

No. 2:09-cv-00134-RSM

NEW ORLEANS EMPLOYEES'
RETIREMENT SYSTEM, et al., individually
and on behalf of all others similarly situated,

Plaintiffs,

V.

FEDERAL DEPOSIT INSURANCE
CORPORATION, et al.,

Defendants.

**REVISED STIPULATION, AGREED MOTION AND
[PROPOSED] ORDER**
(NO. 2:09-CV-0037-MJP) - 1
4898/001/232769.1

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I. STIPULATION AND AGREED MOTION

2 Pursuant to the Court's order of March 8, 2010 (Dkt No. 154), the parties have revised
3 the prior filed stipulation (Dkt. No. 153) to address the concerns of the Court. The parties
4 now, in the interest of litigating this action and *Doral Bank Puerto Rico v. Washington Mutual*
5 *Asset Acceptance Corp., et al*, Case No. 09-cv-01557(MJP) (the "Doral Action"), and
6 pursuant to Local Rule 7(d)(1) and 10(g), jointly request the Court extend the deadlines for
7 Defendants to respond to Lead Plaintiff's current Motion to Amend the Complaint (Dkt. No.
8 152) and for Lead Plaintiff to respond to Defendants' pending Motions to Dismiss (Dkt. Nos.
9 138, 144, and 146) and modify the scheduling order in this case as follows:

10 (1) Plaintiff's current Motion to Amend the Complaint, noted for March 5, 2010
11 (Dkt. No. 152), is withdrawn without prejudice.

12 (2) Any motion to consolidate this action with the Doral Action (the "Motion to
13 Consolidate") will be filed the day after the Court rules on the Motions for
14 Appointment of Lead Plaintiff in the Doral Action.

15 (3) Lead Plaintiff in this action will file a motion to amend the Consolidated Class
16 Action Complaint with the proposed amended complaint attached (the "Motion to
17 Amend"), no later than fourteen (14) days after the Court rules on the Motion to
18 Consolidate—Lead Plaintiff will make every effort to facilitate the filing of the Motion
19 to Amend and the proposed amended consolidated complaint sooner than the proposed
20 deadline, but the collective Plaintiffs may require the full two weeks to work together
21 to fully determine the scope of securities covered and the specific claims to be asserted
22 in a consolidated complaint;

23 (4) Within thirty (30) days after the Court rules on the Motion to Amend, either
24 (a) if the Motion to Amend is granted, Defendants will answer or otherwise
25 respond to the amended consolidated complaint and their pending Motions to
26 Dismiss (Dkt. Nos. 138, 144, and 146) will be withdrawn as moot; or

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(b) if the Motion to Amend is denied, Lead Plaintiff in this action will respond to Defendants' pending Motions to Dismiss.

(5) If the Court does not grant this joint motion, Plaintiff's current Motion to Amend the Complaint will be re-noted, and Defendants will respond to it in accordance with the Court's Local Rules. Similarly, the deadlines for Lead Plaintiff to respond to Defendants' current Motions to Dismiss are extended until the Court decides Plaintiff's current Motion to Amend. If the current Motion to Amend is denied, Plaintiff will file its responses to the current Motions to Dismiss within fourteen (14 days) and Defendants will file replies within fourteen (14) days thereafter; if the Motion to Amend is granted the Court will set a schedule for Defendants to answer or brief motions to dismiss.

The Parties agree this request for extension is justified (1) in light of the upcoming March 18, 2010 hearing on appointment of a lead plaintiff in the *Doral Action* and the associated potential to avoid duplicate briefing; and, (2) as more fully addressed in Lead Plaintiffs' Motion to Amend, Lead Plaintiff's desire to move to amend the complaint in this action (with a proposed amended complaint attached) to reflect recent court decisions that Lead Plaintiff believes are relevant to this case, such that amendment now may avoid multiple, sequential motions to dismiss in this action.

Respectfully submitted this 9th day of March by:

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2 **II. [PROPOSED] ORDER**

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4 **IT IS SO ORDERED.**

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6 Dated this ____ day of March, 2010.

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The Honorable Marsha J. Pechman
9 United States District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below.

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